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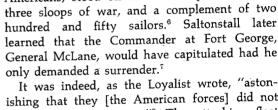
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The Court-Martial of Paul Revere

By Frederic Grant, Jr.

In late June of 1779 word reached Boston that British troops had come ashore at Majorbagaduce (contemporary documents give this Indian word no standard spelling), present-day Castine, Maine, and were busily engaged in building a fort by the mouth of the Penobscot River.1 This news of activity in the northern part of the state was of urgent concern to the Massachusetts Legislature at Boston, and on the first of July General Solomon Lovell of the state militia was appointed to command land forces to be raised for an expedition against this British station.2 Dudley Saltonstall, a man with much experience as Commander of various privateers and warships, was named Commodore of the Penobscot Expedition.3

A letter by one of the Tories or British at Fort George, written after the end of the attempt, spoke of the fleet that appeared at Majorbagaduce as an "Armada", and its appearance must have been awesome indeed to the King's troops, who numbered no more than six hundred and fifty men (many of whom had never seen combat). Captain Henry Mowatt—"of detested memory"—who had burned Falmouth, Maine



(Portland) in 1775, and was thus hated by the

Americans, stood off the British positions with

It was indeed, as the Loyalist wrote, "astonishing that they [the American forces] did not compleat their purpose." The attacking fleet totalled nineteen armed vessels, with twenty-four transports, and mounted three hundred and forty-four guns. Land forces, totalling approximately one thousand raw Massachusetts militia (primarily from Maine, taken on at a rendezvous at Townshend — modern Boothbay), were by no means so impressive, but outnumbered the British. The Artillery Train under Revere's command was smaller still — recorded as including but three nine-pounders, and four field pieces — yet was amply supplemented by the shipboard guns.

This short article allows little space for the debate on the actions of Commodore Saltonstall. Arriving with his fleet at the Penobscot River on July 25, the Commodore would order no decisive action until disaster loomed, on the 13th of August. ¹² Great bravery was shown in ongoing land operations, ¹³ and naval gunners kept up a bombardment of the British positions, ¹⁴ but Saltonstall shied away from an attack on Mowatt's three sloops—an act of symbolic and tactical necessity. Counsel sessions presided over

EDITOR'S NOTE

Frederic Grant, Jr. is law librarian at Foley, Hoag & Eliot, Boston.



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by the Commodore, attended by the privateer captains and officers of the expedition, ¹⁵ intensified bickering and were consequently of little aid to Saltonstall's flagging decisiveness. Brigadier General Peleg Wadsworth urged the fortification of one section of riverbank, to cover a line of retreat, but was opposed in this suggestion by

JOHN SINGLETON COPLEY, MUSEUM OF FINE ARTS, BOSTON



Paul Revere was America's finest silversmith. Best remembered for his midnight ride, four years after that event he commanded the Massachusetts artillery in the Penobscot Expedition, and returned to Boston to face charges of cowardice and incompetence that led to a court-martial.

General Lovell, on the grounds that such a measure would display to the troops "our own despair of success." ¹⁶ Messengers were sent to Boston by whale-boat, to urge the speedy dispatch of reinforcements. ¹⁷

By the time of the Penobscot Expedition, Paul Revere had been involved with the defense of Boston for a number of years. Early in 1776, after the British Evacuation of the city, he was ordered out to the fort on Castle Island, to repair damage done to the guns there. This task accomplished quickly and with skill, on April 10th of the same year he was appointed Major in the militia raised for the defense of Boston. By that Fall he had been faised to the rank of

Lieutenant Colonel, and given the command at Castle Island — a post he held until released to accompany the Penobscot Expedition.¹⁹

In February of 1779 a change of some relevance to the later Court-Martial was ordered at Castle Island. This was a reduction in the number of, and reorganization of the formations of the militia, 20 a result of which was the Commander's incurring the intense hatred of Captain William Todd and a Captain Gray. In the words of Revere, "since then they [Todd and Gray] have done every thing in their power to hurt me, by insinuations." 22 These personal problems became of public significance when



Revere heard that General Lovell was planning to have Todd as one of his Brigade Majors (outranking his former Commander) in the forthcoming expedition. The Lieutenant Colonel's protests to the General brought no result — "I represented to the Gen¹ how disagreeable he was to me, and my Officers, and that I should never speak to him but in the line of duty." ²³ William Todd, with Thomas Carnes, would later be responsible for the strongest complaints against Revere.

Sailing north from the port of Boston, Lieutenant Colonel Revere and his Artillery officers reached the assembly-point at Townshend on the twenty-first of July. The fleet sailed on the twenty-fourth, reaching Penobscot Bay in the evening. In the score of days that followed, Revere kept busy with various duties connected with the ordnance, and was present at the ma-

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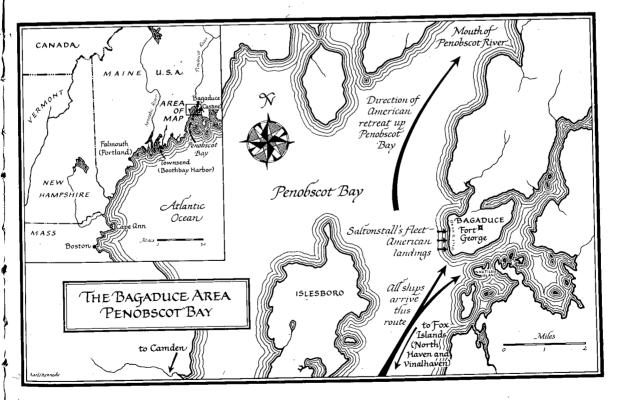
jority of Saltonstall's Councils of War, including the second to last (evening of August 13, 1779), when the decision was made to evacuate.²⁴

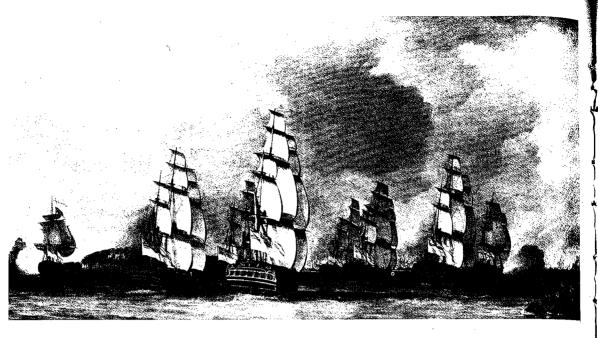
That day a spy-vessel had brought Lovell news that a British fleet of seven large vessels had reached the outer waters of Penobscot Bay.25 A retreat being ordered, evacuation of land forces was accomplished with "silence and skill" by Brigadier General Peleg Wadsworth during the night.26 It had been just a week before that Gilbert Richmond, first mate on a vessel sailing near Martha's Vineyard, had seen "eight sail of Vessels" headed north.27 This very grim news, which the authorities in Boston interpreted correctly, did not reach them until three days later — the 9th of August — and it was another three days before Vernon and Warren of the Navy-Board signed an urgent letter to Saltonstall. They touched gently on reports of his inaction, and spoke of apprehensions of danger — that the British would likely be reinforced soon. "It is therefore our orders that as soon as you receive this you take the most effectual measures for the capture or destruction of the enemy's ships, and with the greatest dispatch the nature of things will admit of." 28

It has been suggested that the destruction which followed was America's worst naval disas-

ter before Pearl Harbor. On the fourteenth of August, 1779, Sir George Collier's seven vessels — eleven days out of New York port—began their sweep upriver.29 A hurried last Council of War on Saltonstall's Frigate Warren considered the question of resistance — the assembled officers voting unanimously "to proceed up the Penobscot River." 30 The Commodore drew his fleet in the form of a crescent, to block Collier until the transports could escape. "Confident of his entire superiority, Sir George advanced without delay and poured in upon his enemy, a heavy broad-side, which threw the American fleet into confusion, and caused a disorderly flight."31 The great Massachusetts fleet was a complete and costly (£1,739,175) loss.32 While only four of the ships were made prizes by the British, all the rest were either burned or blown up by their crews.33 William D. Williamson, the great historian of Maine, summed up this disaster a century and a half ago. "A prodigious wreck of property, — a dire eclipse of reputation, — and universal chagrin — were the fruits of this expedition, in the promotion of which, there had been such an exalted display of public spirit, both by the government and individuals." 34

Revere reached Fort Western (Augusta, Maine) on the sixteenth of August, and found most of





In this panorama of the disaster at Penobscot Bay, the American ships seen faintly in the background have been run ashore and set afire to prevent their capture by the British. A total lack of cooperation

between American land and naval units enabled a smaller British force to hold on at historic Castine until the British warships in the foreground sailed up from New York to their relief.

his officers and men already there. Having provided them "with what money I could spare," he ordered the troops back to Boston, so arriving there himself on the twenty-sixth of August. By an order dated that day, which he received three days later, he was again given the command at Castle Island — taking over from Colonel Thomas Crafts, who had held the post in the interim. so

For Dudley Saltonstall, Revere, and the other officers of the Expedition, great new problems arose when the ships went down. Massachusetts was shocked, many citizens were angry — and a legal storm was blowing up off the coast of Maine. The first cold gust to hit Revere came south in the person of Major William Todd, who reached Boston as the bearer of a letter from General Lovell (dated September fourth).³⁷ It was on the probable day of Todd's arrival in the city that Thomas Jenner Carnes (who had commanded the marines on the *General Putnam*) filed a complaint against Paul Revere.

The charges which Carnes, in a letter which opens bluntly with the words "Being requested to lodge a complaint against Lt. Col. Revere", listed were serious indeed. The Lieutenant Colonel stood accused, in Carnes' initial letter, with four instances of disobedience to his com-

manding officers (one involving Major Todd), plus neglect of duty, unsoldierlike behavior "during the whole Expedition . . . which tends to Cowardice", and of "leaving his men and suffering them to disperse and taking no manner of care of them." 38 The same day Carnes wrote his complaint (September sixth), Revere received orders directing him to resign his command of the Castle, and was placed under arrest (house arrest) for three days — at the end of the confinement receiving a notice informing him that he and the other officers would be examined by the Legislative Committee of Inquiry investigating the disaster. 39

As a militia officer serving in Boston, and acompanying the Penobscot Expedition, Revere served under the provisions of the Militia Act with Rules and Regulations adopted January 22, 1776 (Chapter 10 of the Province Laws of 1776). Under section 13 of the Militia Act, the officers and men served according to the instructions of the General Court, with Courts-Martial of the highest militia officers to be conducted by the Council of the state (section 14). Field officers (Revere's rank) "guilty of any misdemeanor or breach of duty in violation of this act" were to have a Court-Martial appointed by the Brigadier of their militia Brigade, "consisting of a majority

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of the field officers of the same brigade." Under section 14, the Court-Martial was limited in power to stripping the accused of rank, and section 17 provided that no sentence could be put into execution without the approval of the commanding officer.

· In the aftermath of the Penobscot Expedition only one man, Commodore Dudley Saltonstall, was immediately singled out for a Court-Martial. While evidence survives of efforts at an impartial hearing of this case, 40 most relevant records have been lost, and the scholar is left with the fact of a stern verdict. Paul Revere's purchase of shares in Saltonstall's later privateering ventures (successful), suggests sympathy for the former Commodore. 41

Just less than a month after the disaster, in September, the General Assembly ordered the formation of a Committee of Inquiry to ascertain the causes of the fiasco at Majorbagaduce.42 The Committee's short report, presented to the Legislature on October 7, 1779, and printed as a pamphlet with relevant documents in 1780, found primary fault to lie with Commodore Saltonstall's "Want of proper Spirit & Energy."43 This Committee of Inquiry clearly worked long and hard, many of the depositions it collected having survived to the present day.44 Both Carnes and Todd violently accused Revere, and the Lieutenant Colonel defended himself in a deposition, a letter of defense, and personal appearances before the Committee (reporter's notes survive of his questioning of witnesses).45 In 1782 he wrote that "one of the committee who was a lawyer, treated me with as much severity, as if he had received a fee to convict me of a crime of which I was not guilty." 46 Revere, still smarting from his arrest a month earlier, must have found the Committee's report, as it touched on those besides Saltonstall, a deep disappointment. "Whether the shameful neglect is chargeable upon the Brigadiers, Colonels, or other officers, whose particular duty it might have been to have faithfully executed the orders of the General Assembly, they [the members of the Committee] cannot ascertain." 47

In a letter written the day after the Committee of Inquiry made this report, Revere begged new evidence, and prayed "that Your Honors would Order that a Court-Martial should be appointed for his [my] Tryal, agreeable, to the Continental Regulations." On the eighth of October a new committee was ordered, to investigate the conduct of the officers, and on the nineteenth summonses went out for witnesses. 49

By a surviving meeting notice, we know that at least one session of this investigation took place on November eleventh in the East Lobby of the State House. The second Committee of Inquiry made its report five days later, reducing the (probably exaggerated) charges of the initial Carnes complaint in number to two. Revere was found generally culpable for his behavior at Penobscot—specifically so in having disputed Wadsworth's orders concerning a boat (during the retreat), and in "repairing to Boston, with his Men, without particular orders from his Superior Officer." 51

This unfavorable report, together with gossip in town, and the matter of back rations he was prevented from drawing, encouraged Paul Revere to again demand a Court-Martial. There were definite tactical reasons for demanding such a strong measure. A reading of the many depositions and recorded questioning makes clear (and space in this article prevents illustrating) that evidence against Revere was by no means conclusive. He does, as the second report indicates, seem to have been guilty of some of the charges - yet there were a number of mitigating circumstances. After his alleged disobedience to Wadsworth's orders concerning the use of a boat, he used it to achieve the purpose the Brigadier General desired. 52 Revere later recorded a principal problem for the prosecution — that "This Mr. Carnes and Mr. Todd were the principal evidences against me, except Gen. Wadsworth, about the boat." 53

On the fourth of January of the following year (1780), Paul Revere again brought a request for Court-Martial before the Council, which appointed a committee to investigate the matter.⁵⁴ By a unanimous vote, the committee opposed the ordering of one.⁵⁵ He petitioned again just two weeks later, accompanying this request with a plea for his back rations, withheld since July.

The complaint upon which my arrest was founded, are amongst your Honors papers and there will remain an everlasting monument of my disgrace if I do not prove they are false; is there any other legal way to prove them false, than by a Court Martial? Have I not a right to demand one? Are not fifteen of your Honors, according to the present Constitution, a Governor? and is not the Governor Captain General? and is not the Capt General the source, from which the Court Martial must be appointed?⁵⁶

Signed "Your Suffering Humble Servant", this request was also denied. By an order dated January twenty-one, the Commissary General of the State was ordered to deliver up the back rations.⁵⁷

Seemingly undeterred, Revere petitioned the Council and General Court again that March. 58 This time, his fervent prayers were answered. By an order dated the eighteenth of March, 1780, the Council was empowered to appoint a Court-Martial.⁵⁹ The Order for the Court-Martial itself, dated April thirteen, named Colonel Edward Procter President, with twelve members of the Court (including Judge Advocate William Tudor).60 While these appointments satisfied the section 14, Militia Act requirement -- "a court-martial, consisting of a majority of the field officers of the same brigade, to try him" - Procter seems to have been by no means happy with his assignment. By a petition dated the fifteenth of April he attempted to decline this service, begging his inability to think himself a competent judge — "upon so important a Trial" - and "the intimacy that has long subsisted" between himself and the accused.61 Finding his request denied the day before the trial (April seventeenth), Procter opted for a classic expedient - in the words of Revere, "for reasons best known to himself, he never called them together." 62

The frustrated man appears to have waited quite a while before again petitioning (after the adoption of the 1780 Constitution), "the Senate and House of Representatives of Massachusetts State, in General Court assembled."

After the present constitution took place, I again petitioned the whole Court; it was preferred to a committee, the chairman of which informed me it was their opinion, that his Excellency the Governor was the proper person to apply to for a court martial.⁶³

Presentation was made to John Hancock, who approved it, and the Court-Martial met at last on February 19, 1782. Charges were read, and the evidence considered — against "Lieut Colo Paul Revere of the Corps of Artillery late belonging to this State, touching his Behaviour as an Officer when retreating from Major Bagwaduce." Brigadier General Warham Parks served as President of the fourteen member Court, which included Joshua Thomas, the Judge Advocate. By their opinion, printed with this article as it appeared in the Boston papers, Lieutenant Colonel Revere was acquitted "with equal honour as the other officers in the same expedi-

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tion."64 Hancock, as commanding officer, signed approval.

PROCEEDINGS

CENERAL ASSEMBLY,

C O U N C I L,

STATE OF MASSACHUSETTS - BAY,
RELATING TO THE

Penobscot EXPEDITION:

ORDERS of the Continental NAVY-BOARD

TO THE

COMMANDER of the NAVAL FORCES.

With the REPORT of a COMMITTEE

Appointed to enquire into the CAUSE of the
FAILURE of the faid EXPEDITION.

PUBLISHED BY ORDER OF THE GENERAL ASSEMBLY,

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PRINTED BY J. GELL, PAINTER TO THE GENERAL RESINEUT.

The title page of the printed report of the inquiry into the worst defeat ever suffered by an American fleet. In the terrible catastrophe at Penobscot Bay in Maine, the rebels lost forty ships, while their British attackers lost none. Far and away the worst American naval defeat of the Revolution, it is one of the least-known events of the war.

Scarcely had this notice appeared in the March 14, 1782 Continental Journal and Weekly Advertiser, than a fierce letter-debate began in the public print (interestingly, in the other local newspaper - The Boston Gazette and the Country Journal). A letter signed "Veritas" (March 18) echoed all the charges of the original Carnes complaint, and then in the following issue (March 25) Revere began a long reply, exposing "Veritas" as being Mr. Todd, accusing him of (among much else) "a number of insinuations, as groundless and malicious as falsehood and ill nature can make them." This long letter continued in the issue of April 1, stringing together a number of certified copies of depositions and reports as evidence. Both Carnes and Todd counterattacked in equally severe letters in the issue of April 8,65 and the last letter in the raging series — Revere's — appeared in the Gazette of April 15.

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Accompanying this last letter, in the lower right corner of the same page, was a short bit of verse. Not of any great poetic merit, the piece clearly is the work of someone tired—sick to death—of the self-righteous clamor. Opening with "What noise and what nonsense!", the anonymous poet begs the printer, not,

To trouble us more about Cln1 R---e!

If his deeds would but shine, as he wishes to tell,

It would please us to read, but we know the man well.

He's angry with T--d, and some others of spirit,

who say that the C----l no honors inheris. 66 With this violent exchange of letters finished, interest in the Court-Martial lessened. Paul Revere lived on for many years, until the Revolutionary Era clothing he still chose to wear looked odd on the streets of Boston. The bitter recollection of the disaster at Castine lived on too, but with time came to hold one of those positions history reserves for its bad memories.

In the last decade, and in these anniversary years, there has been a promising increase of interest in this Expedition, as with many neglected areas of our Revolutionary past. Of the figures involved in the Revere dispute - the Lt. Colonel himself, Wadsworth, Saltonstall, and others — there are many names already familiar to the investigating scholar. There are similarly many unclear areas. Resolution of the riddles of this event — the exact relationship of Carnes, Todd, and Revere, changes in militia law in the Revolutionary period, and the nature of the impact of the disaster — must await further work. For the moment, one has the clear outline of an interesting dispute involving one of Massachusetts' leading Revolutionary personages, and a present challenge to the further investigation of our early legal history that can finally give the incident perspective.

Note:

The writer wishes to acknowledge the kind help of Dr. James S. Leamon, of the Bates College History Department, in finding sources for this article, and of John T. Pothier, in bringing some of this invaluable material from Maine to Boston.

NOTES

¹ There were a number of reasons for "establishing a military post in this quarter, it would command those harbors, the coast, a wide region of territory, and a more ready supply of ship-timber for the royal navy-yard at Halifax; — it would serve to check incursions into Nova Scotia; — and it would offer to their ships in stress of weather and at other times, a favorable retreat." William D. Williamson, The History of the State of Maine (Hallowell: Glazier, Masters & Co., 1832), 468-469. The British seem also to have had ideas, which ultimately came to nothing, of detaching the district of Maine and making a Loyalist colony of it, "New Ireland". Rita Bouchard, The Penobscot Fiasco (Catalog of an Exhibition at the Massachusetts Historical Society, March 17 through April 18, 1975), 2.

² Order appointing Lovell. Massachusetts Archives ("M.A."), Volume 145, 5.

3 "Saltonstall, Dudley" DAB

⁴ "Extract of a letter from Penobscot, dated 22d August 1779", taken "From the Nova Scotia Gazette of Sept. 14" The Boston Gazette and the Country Journal, September 27, 1779.

⁵ Louis C. Hatch, Maine, A History (1919; rpt. Somersworth: New Hampshire Publishing Co., 1974),

36.

⁶ Williamson, 469. Hatch, 34.

7 Williamson, 474.

8 "Extract of a letter from Penobscot".

9 Williamson, 470.

10 Ibid., 471-472.

¹¹ Esther Forbes, Paul Revere and the World He Lived In (Boston: Houghton Mifflin Co., 1942), 354.

¹² Proceedings of the various Councils of War. M.A., Volume 145.

¹³ Williamson, 472-474.

14 A "Journal" — "From the Nova Scotia Gazette of Sept. 14" — makes frequent mention of "Cannonading as usual" in daily entries. Boston Gazette, September 27, 1779.

¹⁵ Of the armed vessels, twelve were privateers. Hatch, 35.

16 Williamson, 474.

17 Ibid., 473.

¹⁸ Forbes, 319-322. Also, Massachusetts Soldiers and Sailors of the Revolutionary War (Boston: Wright & Potter, 1905), XIII, 121-122.

¹⁹ Forbes, 320. Mass. Soldiers and Sailors, XIII, 121.

²⁰ Defence of Lt. Col. Paul Revere. M.A., Volume 145, 336-340. Printed in Collections of the Maine Historical Society, Second Series ("Baxter Manuscripts"), XVII (1913), 215-225. Also, Mass. Soldiers and Sailors, XIII, 121.

²¹ Ibid.

²² Ibid. Baxter Manuscripts, XVII, 216.

23 Ibid. Baxter Manuscriptts, XVII, 216-217.

²⁴ Council of War, August 13, 1779. M.A., Volume 145, 107-109.

25 Williamson, 474.

26 Ibid., 475.

- ²⁷ Deposition of Gilbert Richmond, M.A., Volume 145, 90.
- 28 Letter, August 12, 1779, sent to Dudley Saltonstall by W. Vernon and J. Warren, printed in the pamphlet, "Proceedings of the General Assembly and of the Council . . . Relating to the Penobscot Expedition" (Boston, 1780; rpt. in Extra No. 99 of The Magazine of History, Volume 25, 1923).

29 "Collier, Sir George" Dictionary of National Biography (Oxford University Press, 1937-1938). Also Albert B. Hart, The Commonwealth History of Massachusetts (New York: The State History Co., 1929), III, 37-38.

- 30 Council of War, August 14, 1779. M.A., Volume 145, 118-130.
- 31 Williamson, 475.
- ³² Hart, 38.
- ³³ Hatch, 37.
- 34 Williamson, 476.
- 35 Deposition of Paul Revere. This document is missing from the microfilm of Volume 145, M.A., but is in the Archives and can be seen. Baxter Manuscripts, XVII, 201-207, 207.



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- 36 Mass. Soldiers and Sailors, XIII, 121-122.
- 37 Typescript of a letter written by Lovell, dated Sept. 4, 1779. Pages 96-97 of over two hundred and fifty pages of typescripts, "Documents Concerning the Penobscot Expedition, 1779" prepared for Joseph Williamson, 1893-1894. In the collection of the Maine Historical Society, Portland.

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- 38 Complaint of Carnes. This document is missing from the microfilm of Volume 145, M.A., but is in the Archives and can be seen. Joseph Williamson Typescripts, 206.
- 39 Letter written by Paul Revere. Boston Gazette. March 25, 1782.
- 40 "President and Members of the Court Martial to General Court", undated. Joseph Williamson Typescripts, 206-207.
- ⁴¹ Forbes, 360.
- 42 Resolve appointing a Committee to Inquire into the causes of the failure of the Penobscot Expedition. Sept. 9, 1779. M.A., Volume 145, 167.
- 43 Report of the Committee appointed to investigate the causes of the failure of the Penobscot Expedition. M.A., Volume 145, 350-351.



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Revere. Boston Gazette,

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45 With the depositions, as above.

- 46 Letter written by Paul Revere. Boston Gazette, March 25, 1782.
- ⁴⁷ Report of the Committee appointed to investigate the causes of the failure of the Penobscot Expedition. M.A., Volume 145, 350-351. Part of this quotation is torn off. The report is reprinted in full in Extra No. 99 of The Magazine of History, Volume 25 (1923).
- 48 Petition of Paul Revere. M.A., Volume 145, 346-

49 M.A., Volume 145, 348, 368-369a.

- 50 Notice of a meeting of the Committee of Investigation. M.A., Volume 145, 372-372a.
- Figeror of the Committee of Investigation. M.A., Volume 145, 375.
- ⁵² Report of the Court-Martial of Paul Revere, February 19, 1782. Continental Journal and Weekly Advertiser, March 14, 1782.
- 53 Letter written by Paul Revere. Boston Gazette, March 25, 1782.
- 54 Baxter Manuscripts, XVIII (1914), 49-50.
- 55 Ibid.

- 56 Petition of Revere. Baxter Manuscripts, XVIII, 67-68, 68
- 57 Baxter Manuscriptts, XVIII, 85.

58 Ibid., 134-135.

- ⁵⁹ Resolve of Council in Case of Paul Revere. Baxter Manuscripts, XVIII, 140-141.
- 60 Baxter Manuscripts, XVIII, 210-211.

61 Ibid., 218.

62 Letter written by Paul Revere. Boston Gazette, March 25, 1782.

63 Ihid.

- ⁶⁴ See "Proceedings of Court Martial in Case of Paul Revere" (Baxter Manuscripts, XIX (1914), 428-430.
- 65 Todd was particularly incensed by the accusation of having attacked in disguise (as "Veritas", which Revere exposed with a flourish). "Lieut. Col. Revere says I am like an assasin, my attacks are wicked and unmanly, and done in the dark.'

 Remember Sir, my name was with the Printers."

 The Boston Gazette and the Country Journal, April 8, 1782.
- 66 Anonymous poem. Boston Gazette, April 15, 1782.

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